

1fw 3762
Docket No.: 3394P020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

NIR BETSER, ET AL.

Application No.: 10/529,149

Filed: March 23, 2005

For: **electrode assembly for nerve control**

Art Group: 3762

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure, enclosed is a copy of IDS Citation Form PTO/SB/08 or PTO-1449, together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). This IDS and IDS Citation Form are being submitted before the mailing of a first Office Action. It is respectfully requested that the cited references be considered and that the enclosed copy of PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made in the subject application and is not to be construed as an admission that the information cited in this statement is material to patentability.

Please charge any fees due to Deposit Account 02-2666. A duplicate copy of the Fee Transmittal (PTO/SB/17) is enclosed for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

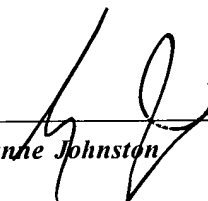
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Eric S. Hyman, Reg. No. 30,139

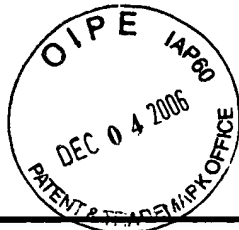
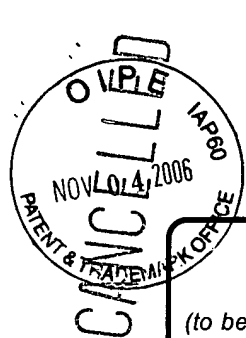
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Suzanne Johnston

11/29/2006

Date



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/529,149
Filing Date	March 23, 2005
First Named Inventor	Nir Betser
Art Unit	3762
Examiner Name	Not yet assigned
Total Number of Pages in This Submission	51
Attorney Docket Number	3394P020

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div>Copies of 28 prior art references; Return receipt postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	11/29/2006

CERTIFICATE OF MAILING/TRANSMISSION

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Typed or printed name	Suzanne Johnston		
Signature		Date	11/29/2006

PTO E
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PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	10/529,149
Filing Date	March 23, 2005
First Named Inventor	Nir Betser
Examiner Name	Not yet assigned
Art Unit	3762
Attorney Docket No.	3394P020

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
11	42	0	\$0.00
1	3	0	\$0.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent claim, if not paid
1204	790	2204	395	**Reissue independent claims over original patent
1205	300	2205	150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

**for number previously paid, if greater, For Reissues, see below

2. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1460	130	2460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify) _____

SUBTOTAL (2)

(\$)

Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Eric S. Hyman

Registration No.
(Attorney/Agent)

30,139

Telephone

(310) 207-3800

Signature

Date

11/29/06

FORM PTO-1449 (Colb)	ATTY DOCKET NO. 003394.P020	SERIAL NUMBER 10/529,149
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Nir BETSER, et al.	EXAMINER (N/A)
	FILING DATE March 23, 2005	GROUP ART UNIT 3762

U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,585,005	04-1986	Lue, et al.			
	AB	4,663,102	05-1987	Brenman, et al.			
	AC	5,439,938	08-1995	Synder, et al.			
	AD	5,454,840	10-1995	Krakovsky, et al.			
	AE	5,938,584	08-1999	Ardito, et al.			
	AF	6,169,924	01-2001	Meloy, et al.			
	AG	4,338,945	07-1982	Kosugi, et al.			
	AH	5,916,239	Jun. 1999	Geddes, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AI	EP 0 688 577	Dec. 1995	EUROPE			
	AJ	WO 01/26729	Apr. 2001	PCT			
	AK	WO 01/10432	Feb. 2001	PCT			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Y. Zhang, et al., "Optimal Ventricular Rate Slowing During Atrial Fibrillation by Feedback AV Nodal-Selective Vagal Stimulation", Am J Physiol Heart Circ Physiol 282:H1102-H1110, 2002.
AM	N.J.M Rijkhoff, et al., "Selective Stimulation of Small Diameter Nerve Fibers in a Mixed Bundle", Proceedings of the Annual Project Meeting Sensations/Neuros and Mid Term Review Meeting Neuros, 21-23 April 1999.
EXAMINER: _____ DATE CONSIDERED: _____	
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Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,700,282	Dec. 1997	Zabara			
	AB	5,690,681	Nov. 1997	Geddes, et al.			
	AC	5,330,507	Jul. 1994	Schwartz			
	AD	5,199,428	Apr. 1993	Obel, et al.			
	AE	6,058,331	May 2000	King, et al.			
	AF	6,230,061	May 2001	Hartung			
	AG	6,473,644	10-2002	Terry, Jr, et al.			
	AH	6,449,507	Sep. 2002	Hill, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AI	WO 01/10375	Feb. 2001	WIPO			
	AJ	WO 02/085448	Oct. 2002	WIPO			
	AK	EP 0831954	Mar. 2004	EUROPE			

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	M. Manfredi, "Differential Block of conduction of larger fibers in peripheral nerve by direct current", Arch. Ital. Biol. 108:52-71, 1970.
AM	Fuster and Ryden, et al, "ACC/AHA/ESC Practice Guidelines", JACC Vol. 38, No. 4, 2001.
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U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	6,356,784	03-2002	Lozano, et al.			
	AB	5,832,932	11-1998	Elsberry, et al.			
	AC	5,711,316	01-1998	Elsberry, et al.			
	AD	6,094,598	07-2000	Elsberry, et al.			
	AE	5,833,709	11-1998	Rise, et al.			
	AF	4,559,948	12-1985	Liss, et al.			
	AG	5,178,161	01-1993	Kovacs			
	AH	5,314,495	05-1994	Kovacs			
	AI	5,203,326	04-1993	Collins			

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		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
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	AK						

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AL	Bilgutay, et al, "Vagal tuning a new concept in the treatment of supraventricular arrhythmias, angina pectoris, and heart failure", J. Thoracic Cardiovasc. Surg. 56(1): 71-82, July 1968.
AM	Gregory S. Friedrichs, "Experimental models of atrial fibrillation/flutter", Journal of Pharmacological and Toxological Methods 43 (2000), 117-123.
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U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	4,632,116	12-1986	Rosen			
	AB	4,019,518	04-1977	Maurer, et al.			
	AC	6,091,977	07-2000	Tarjan, et al.			
	AD	6,104,960	08-2000	Duysens, et al.			
	AE	6,086,525	07-2000	Davey, et al.			
	AF	4,926,865	05-1990	Oman			
	AG	4,392,496	07-1983	Stanton			
	AH	6,146,335	11-2000	Gozani			
	AI	6,119,516	09-2000	Hock			
	AJ	5,069,680	12-1991	Grandjean			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

	AL	Ake Hjalmarsen, "Prevention of sudden cardiac death with beta blockers", Clin. Cardiol. 22, (Suppl. V), V-11-V-15, 1999.
	AM	Danshi Li, et al, "Promotion of atrial fibrillation by heart failure in dogs", Circulation, July 6, 1999, pp. 87-95.
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U.S. PATENT DOCUMENTS

Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	6,366,813	04-2002	Dilorenzo			
	AB	6,405,079	06-2002	Ansarinia			
	AC	6,066,163	05-2000	John			
	AD	6,463,328	10-2002	John			
	AE	6,266,564	07-2001	Schwartz			
	AF	6,341,236	01-2002	Osorio, et al.			
	AG	6,600,956	07-2003	Maschino, et al.			
	AH	5,824,027	10-1998	Hoffer, et al.			
	AI	5,634,462	06-1997	Tyler, et al.			
	AJ	2003/0229380	12-2003	Adams, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Herman Kwan, et al, "Cardiovascular adverse drug reactions during initiation of antiarrhythmic therapy for atrial fibrillation", Can J Hosp Pharm 2001:54:10-14.
AM	Lena Jideus, "Atrial fibrillation after coronary artery bypass surgery", Acta Universitatis Upsaliensis, Uppsala 2001.
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Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	5,755,750	05-1998	Pertuska, et al.			
	AB	4,649,936	03-1987	Ungar, et al.			
	AC	6,319,241	11-2001	King, et al.			
	AD	5,540,730	Jul. 1996	Terry, et al.			
	AE	5,188,104	Feb. 1993	Wernicke, et al.			
	AF	5,263,480	Nov. 1993	Wernicke, et al.			
	AG	5,571,150	Nov. 1996	Wernicke, et al.			
	AH	4,702,254	Oct. 1987	Zabara			
	AI	4,867,164	Sep. 1989	Zabara			
	AJ	5,025,807	Jun. 1991	Zabara			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
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OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Cummings JE et al., "Preservation of the anterior fat pad paradoxically decreases the incidence of postoperative atrial fibrillation in humans," J Am Coll Cardiol 43(6):994-1000 (2004).
AM	Carlson MD et al., "Selective stimulation of parasympathetic nerve fibers to the human sinoatrial node," Circulation 85:1311-1317 (1992).
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	AA	6,205,359	Mar. 2001	Boveja			
	AB	5,205,285	Apr. 1993	Baker			
	AC	5,299,569	Apr. 1999	Wernicke, et al.			
	AD	5,335,657	Aug. 1994	Terry, et al.			
	AE	5,707,400	Jan. 1998	Terry, et al.			
	AF	5,282,468	Feb. 1994	Klepinski			
	AG	4,628,942	Dec. 1986	Sweeney, et al.			
	AH	4,535,785	Aug. 1985	Van Den Honert			
	AI	4,602,624	Jul. 1986	Naples, et al.			
	AJ	5,199,430	Apr. 1993	Fang, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Pagé PL et al., "Regional distribution of atrial electrical changes induced by stimulation of extracardiac and intracardiac neural elements," J Thorac Cardiovasc Surg. 109(2):377-88 (1995).
AM	Mazgalev TN, "AV Nodal Physiology," Heart Rhythm Society (www.hrsonline.org), no date.
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	AA	5,215,086	Jun. 1993	Terry, et al.			
	AB	4,608,985	Sep. 1986	Chrish, et al.			
	AC	5,423,872	Jun. 1995	Cigaina			
	AD	5,716,385	Feb. 1998	Mittal, et al.			
	AE	6,097,984	Aug. 2000	Douglas			
	AF	6,104,955	Aug. 2000	Bourgeois			
	AG	6,091,992	Jul. 2000	Bourgeois			
	AH	5,836,994	Nov. 1998	Bourgeois			
	AI	6,026,326	Feb. 2000	Bardy			
	AJ	5,690,691	Nov. 1997	Chen			

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		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AK						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AL	Furukawa Y et al., "Differential blocking effects of atropine and gallamine on negative chronotropic and dromotropic responses to vagus stimulation in anesthetized dogs," J Pharmacol Exp Ther. 251(3):797-802 (1989).
AM	Bluemel KM, "Parasympathetic postganglionic pathways to the sinoatrial node," J Physiol. 259(5 Pt 2):H1504-10 (1990).
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	AA	5,292,344	Mar. 1994	Douglas			
	AB	3,411,507	Nov. 1968	Wingrove			
	AC	4,962,751	Oct. 1990	Krauter			
	AD	4,739,764	Apr. 1988	Lue, et al.			
	AE	4,573,481	Mar. 1986	Bullara			
	AF	5,540,734	Jul. 1996	Zabara			
	AG	2003/0040774		Terry, et al.			
	AH	2003/0045909		Gross, et al.			
	AI	6,511,500		Rahme			
	AJ	5,334,221		Bardy			
	AK	2004/0172075	09-2004	Shafer, et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB	TRANS- LATION
	AL						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AM	Bibevski S et al., "Ganglionic Mechanisms Contribute to Diminished Vagal Control in Heart Failure," Circulation 99:2958-2963 (1999).
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	AA	5,356,425		Bardy, et al.			
	AB	5,522,854		Ideker, et al.			
	AC	6,434,424		Igel, et al.			
	AD	2002/0120304		Mest			
	AE	6,006,134		Hill, et al.			
	AF	5,243,980		Mehra			
	AG	5,658,318		Stroetmann, et al.			
	AH	6,292,695		Webster Jr. Et al.			
	AI	6,134,470		Hartlaub			
	AJ	2003/0050677		Gross, et al.			
	AK	6,610,713	08-2003	Tracey			
	AL	2004/0048795	03-2004	Ivanova, et al.			

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	AM						

OTHER ART (Including Author, Bills, Pertinent Pages, Etc.)

AN	Garrigue S et al., "Post-ganglionic vagal stimulation of the atrioventricular node reduces ventricular rate during atrial fibrillation," Pace 21(4), Part II, 878 (1998).
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	AA	2004/0158119	08-2004	Osorio, et al.			
	AB	2004/0152958	08-2004	Frei, et al.			
	AC	2004/0138721	07-2004	Osorio, et al.			
	AD	2003/0195574	10-2003	Osorio, et al.			
	AE	6,671,556	12-2003	Osorio, et al.			
	AF	6,587,727	07-2003	Osorio, et al.			
	AG	20020107553	08-2002	Hill, et al			
	AH	6,341,236	01-2002	Osorio, et al.			
	AI	2003/0018367	01-2003	Dilorenzo			
	AJ	2003/0078623	04-2003	Weinberg, et al.			

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AL	Chen SA et al., "Intracardiac stimulation of human parasympathetic nerve fibers induces negative dromotropic effects: implication with the lesions of radiofrequency catheter ablation," J Cardiovasc Electrophysiol. 9(3):245-52 (1998).
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FORM PTO-1449 (Colb)	ATTY DOCKET NO. 003394.P020	SERIAL NUMBER 10/529,149
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS' INFORMATION STATEMENT	APPLICANT Nir BETSER, et al.	EXAMINER (N/A)
	FILING DATE March 23, 2005	GROUP ART UNIT 3762

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Examiner's Initials		DOCUMENT NO.	DATE	NAME	CLASS	SUB	FILING DATE
	AA	2004/0059392	03-2004	Parramon, et al.			
	AB	2004/0199210	10-2004	Shelchuk			
	AC	5,487,756					
	AD	6,684,105					
	AE	6,456,866					
	AF	6,934,583	08-2005	Weinberg, et al.			
	AG	6,907,295	06-2005	Gross, et al.			
	AH	6,668,191	12-2003	Boveja			
	AI	2004/0243182	12-2004	Cohen, et al.			
	AJ	2004/0162594	08-2004	King			
	AK	2003/0236558	12-2003	Whitehurst, et al.			
	AL	2003/0100924	05-2003	Foreman, et al.			

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AN	Goldberger JJ et al., " New technique for vagal nerve stimulation," J Neurosci Methods. 91(1-2):109-14 (1999).
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	AA	6,272,377	08-2001	Sweeny, et al.			
	AB	5,411,531	05-1995	Hill, et al.			
	AC	2002/0035335	03-2002	Schauerte			
	AD	6,628,987	09-2003	Hill, et al.			
	AE	6,542,774	04-2003	Hill, et al.			
	AF	6,400,982	06-2002	Sweeny, et al.			
	AG	5,507,784	04-1996	Hill, et al.			
	AH	6,240,314	05-2001	Plicchi, et al.			
	AI	6,381,499	04-2002	Taylor, et al.			
	AJ	66,493,585	12-2002	Plicchi, et al.			

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AL	Cooper et al., "Neural effects on sinus rate and atrial ventricular conduction produced by electrical stimulation from a transvenous electrode catheter in the canine right pulmonary artery" Circ Res Vol. 46(1):48-57 (1980).
AM	Waninger MS et al., "Electrophysiological control of ventricular rate during atrial fibrillation," PACE 23:1239-1244 (2000).
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	AA	2003/0216775	11-2003	Hill, et al.			
	AB	6,564,096	05-2003	Mest			
	AC	7,050,846	05-2006	Sweeney, et al.			
	AD	5,042,497	08-1991	Shapland			
	AE	7,076,299	07-2006	Thong			
	AF	6,934,583	08-2005	Weinberg, et al.			
	AG	2005/0131467	06-2005	Boveja			
	AH	2006/0074450	06-2006	Boveja			
	AI	2005/0187584	08-2005	Denker, et al.			
	AJ	5,578,061	11-1996	Stroetmann, et al.			

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	AA	2003/0233129	12-2003	Matos			
	AB	6,668,191	12-2003	Boveja			
	AC	5,578,061	11-1996	Stroetmann, et al.			
	AD	5,645,570	07-1997	Corbucci			
	AE	2006/0052831	03-2006	Fukui			
	AF	2004/0215289	10-2004	Fukui			
	AG	2004/0249416	12-2004	Yun, et al.			
	AH	5,437,285	08-1995	Verrier, et al.			
	AI	7,050,846	05-2006	Sweeney, et al.			
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	AB	H1,905	10-2000	Hill			
	AC	5,224,491	07-1993	Mehra			
	AD	4,161,952	07-1979	Kinney, et al.			
	AE	6,985,774	01-2006	Kieval, et al.			
	AF	6,865,416	03-2005	Dev, et al.			
	AG	6,161,029	12-2000	Spreigl, et al.			
	AH	6,073,048	06-2000	Kieval, et al.			
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	AA	2005/0222644	10-2005	Killian, et al.			
	AB	5,562,718	10-1996	Palermo			
	AC	6,928,320	08-2005	King			
	AD	2006/0129205	06-2006	Boveja, et al.			
	AE	6,895,280	05-2005	Meadows, et al.			
	AF	2006/0015153	01-2006	Gliner, et al.			
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